IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5730 OF 2005

Umakant Tiwari. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri P.R.Yadav with E.B.Dixit for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th Sept., 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the Respondent.

2. The learned Advocate for the Applicant submitted that the co-accused Vinod Kumar Dube and Divansingh Bora have been granted anticipatory bail by the Sessions Court. He submitted that the Applicant is entitled to anticipatory bail on the ground of parity.

3. The learned A.P.P. on instructions stated that there is no material difference between the role allegedly played by the co-accused Vinod Kumar Dube and the Applicant in this Application.

4. From perusal of the material on record and in particular report dated 25th August 2005 submitted by the Investigating officer it appears that the allegation

made against the Applicant is not different from the allegation made against the co-accused Vinod Kumar Dube. Hence the applicant is entitled to the relief on the ground of parity.

5. Hence the following order is passed:

(i) In the event of the arrest of the Applicant in connection with C.R.No.219 of 2005 registered at M.I.D.C.Police Station, Mumbai, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/-with one surety or bank guarantee or cash in the like amount.

(ii) The anticipatory Bail is granted subject to condition that the Applicant will attend the concerned Police Station on every Monday and Thursday between 4.00 p.m. and 6.00 p.m. for a period of one month from today and will cooperate with the investigating officer.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to

dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.